

HOUSE No. 2183

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the exposure of public safety officials to the aids virus and infectious hepatitis

.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2273 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE EXPOSURE OF PUBLIC SAFETY OFFICIALS TO THE AIDS VIRUS AND INFECTIOUS HEPATITIS .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Section 70F of Chapter 111 is hereby amended in the title by striking out "HTLV-
2 III" and inserting in place thereof: "HTLV-III" and by adding the following: "HBV and HCV Tests".
3 Paragraph one of Section 70F of Chapter 111 of the General Laws, as appearing in the 1990 Official
4 Edition, shall be amended by inserting at the beginning of the first sentence, before the words "No health
5 care facility," the following: - (a) Except as herein provided.

6 SECTION 2. Section 70F of Chapter 111 of the General Laws shall be further amended by inserting after
7 the fourth paragraph the following: - (b) Provided, however, that a police officer, correction officer or
8 other law enforcement official, fire fighter, emergency medical technician or medical personnel, or other
9 public safety official, who, in the course of his official duties, is bitten or scratched by a person, is stabbed
10 or scratched by a hypodermic needle in the possession of that person, or is otherwise exposed to the
11 transfer of blood, semen, or other bodily substance on, upon, or through his skin or membranes by that
12 person, and where that person is the subject of a criminal complaint or indictment, the exposed official
13 may petition the court having jurisdiction of the complaint or indictment to be tested for the HTLV-III,
14 HBV and HCV antibody or antigen. The court shall promptly conduct a hearing upon any such petition. If
15 the court finds a fact that there was a transfer of blood, semen, or other bodily substances, the court shall
16 order the HTLV-III, HBV and HCV test of the subject. A copy of the test results shall be sent by the
17 testing facility to the court. The court shall issue the test results to the subject of the complaint or
18 indictment, the petitioner, and, if the subject is incarcerated or detained, the officer in charge and the chief
19 medical officer of the facility in which the subject is incarcerated or detained. The test results thereafter
20 are to be impounded. No health care facility shall be liable for release of HTLV-III, HBV and HCV test
21 results pursuant to a court order under this section.

22 SECTION 3. This act shall take effect upon passage.